

Minutes

Village Board of Trustees

January 22, 2015

A meeting the Village of Horseheads Board of Trustees was held on the above date at 8:30 A.M.

Present were:

Village Board and Staff

Mayor Donald Zeigler
Trustee Ronald Swartz
Trustee George Koliwasky
Trustee Brad Lytle
Village Manager Walt Herbst
Clerk-Treasurer Sharron Cunningham

Village Atty. John Groff
Water Dept. Don Gaylord
Code Enf. Bob Young
Fire Chief Arthur Sullivan
Parks Dir. Nate Nagle
Manager's Asst. Rachel Baer

Absent

Trustee Mike Skroskznik

Others

Jack Benjamin, Three Rivers Dev.
Charles Rawcliffe, Hulett St.
Wayne Brubaker, Gardner Rd.

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of January 8, 2015 be dispensed with and the same stand approved as entered by the Clerk.

Trustee Lytle - towards the end of the meeting Trustee Skroskznik said "Horseheads police chief", not just police chief. The word Horseheads is not in the minutes. I'd like to make a motion that the Manager's Assistant review the recording of the meeting and see if the word Horseheads was stated, and if so minutes are to be revised.

Trustee Swartz seconded the motion to amend.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Koliwasky	Aye
Trustee Lytle	Aye

Trustee Lytle stated that Trustee Skroskznik notified me he wouldn't be here this morning. Is that listed as being excused or absent.

Atty. Groff - there is no difference. You're either here or you're not. He's absent

I86 Corridor Project

Manager Herbst - the Mayor and I have been working on this for several years. Route 13 and the connector road. We've had the occasion in the past with Jack Benjamin to be talking to the HOST center about doing a developmental project, specifically the I86 project was running concurrent with our discussions and has now come to fruition. We sent out info last week, and we invited Jack to speak to us this morning.

Jack Benjamin from Three Rivers Development made a presentation to the Board regarding the I86 Corridor Project: Over the past several years we've had conversations with villages, towns and the HOST terminal to see how to improve access to the site. It's a fantastic site. Everyone in the region should be proud. But it needs better access. Some kind of connection to I86 through Route 13. Going forward over the last six months some people including Chemung Co., Town of Big Flats, Town of Horseheads, Village of Horseheads, Town of Corning, City of Corning, Town of Erwin, Steuben County, new Guthrie hospital, Three Rivers Dev., STEG, and some other people to figure out best way we can enhance the I86 corridor. It is the economic backbone of this area. We are in process of putting together a document that identifies social and economic factors of I86 and the best development potential of the corridor and potential industrial sites like HOST. Information I distribute to you today - the goal is to create cohesiveness. In order to get funding, if you're not part of a bigger project you won't get funding. Connector road has to be part of something else to get their attention. Also, over the last week the Governor has announced programs that this would fit into. 1.5 billion to support upstate New York. That means \$500 Million to 3 regional councils. One of the three is for the Southern Tier. We think there is a great opportunity to access that money to build the right economic environment so we can be sustainable for the future. Part of it is the connector road, HOST terminal, airport park, area around new Guthrie hospital. We need approximately \$200K for consultant funding. \$25K would be in-kind support. \$175k would be for consultant. Some of that has been committed - a third - by Chemung County. Corning Inc. has committed a third. Remaining third would be divided between Big Flats, Town of Horseheads, and Village of Horseheads, based on population. It is an opportunity to do a cohesive plan that ties I86 corridor into the bigger picture. If you think the Village or Town or County can execute something like this if they aren't part of something bigger, it won't happen. Regional councils, we understand that we aren't going to be doing things by ourselves. We think there is a great opportunity going forward to access more economic vitality for this area. If you look at the papers I distributed, it talks about a blueprint, what results would be. Action steps and timeline. Completion would be end of this year. Also sample scope of work.

It is time to hire some people to put this package together. We ask that the Village be a participant. It's a very good leverage ratio vs the total package. It will lend well to opportunities to assist HOST terminal but also properties along I86 in the Village. Marketplace is different today than it

was 10 years ago. This corridor will be where 80-85% of development will occur. This is a great opportunity for both private sector as well as public sector stakeholders.

Trustee Swartz - what is the total estimated costs.

Mr. Benjamin - \$175K for consultant, plus \$25K for in-kind services.

Manager Herbst - our share would be about \$13,400. When we looked at this going back to 2010-11 when we did business with Schlumberger, we talked about a develop plan for the holding point alone, which would have been 50k for just that. You need private/public partnership to get that development. I had a major heavy equipment manufacturer in a preliminary discussion about coming to HOST several year ago. Fell through due to no access. This is the way that the connector road can happen. County alone can't make it happen - not high on their list without a plan and funding. With the Governor emphasizing the Southern Tier this is a perfect opportunity.

Trustee Swartz - is this the competitive plan that Gov. Cuomo just announced.

Mr. Benjamin - this is part of it. What we are trying to do, we have to save ourselves. Get ahead of the curve. The concept plan needs to be put together by July 1. We need to be sure this is an integral part of the bigger plan. That is what will get approved by the state. That is when these smaller initiatives get funded. I86 through Horseheads and Big Flats and Corning, with the airport, I86 is in the middle, and rail on the other side. Economic development heaven if you have a good plan. Where the action will occur is where the infrastructure is.

Trustee Koliwasky - the timeline, if we don't make a decision today, is that a great impact - could we do it at the next mtg.

Mr. Benjamin - we are on schedule. We've got a July 1 deadline. So we're incurring costs already. Three Rivers will act as the corporate structure to move process along. We will sign contracts, we will ask for money. We will help put together the RFP for consultants. We will pay bills, etc. We have a structure already in place, with a steering committee, which the village is a member. We're moving. If you don't decide today, we can live with that, everybody else has already made the decision.

Mayor Zeigler - back when I86 was talked about, I was at many meetings about projected corridor and what expansion would mean on route 13. From I86 to Tate Equipment. Allows all that land to be developed. Something like this is a dream come true. Host terminal needs this to develop further. That facility just put out 22K sand trucks - all went down Westinghouse road. Give them a couple more expansions and Westinghouse will be a 4 lane. This allows this to move it to corridor. I am 100% in favor of this - do we have the money.

Manager Herbst - yes we do.

Mayor Zeigler - you can deliberate, but I'm ready to vote. I will be on this committee and advocate for this. This is jobs. This is the future of this area. We have to do this.

Trustee Lytle - so what we would be voting on is \$200k, hire a consultant to put together the package to get a piece of \$500 Million.

Mr. Benjamin - what we are doing is our best economic plan for our section of the I86 corridor, which would be included in a bigger package from Delaware County to Hornell. Whether we get the \$500m or not, we will not have an opportunity to participate in the next one. What we don't have in this area is a marketplace driven economic plan. We still continue to talk to individual municipalities which are really regional issues. Corning Inc., largest employer in our area, Cornell Univ, SUNY Binghamton - which is

the fastest growing state university in the system. All can be expanding. We want to be part of this bigger picture.

Trustee Lytle - so this 200K package would become part of regional council. Do we have to make a presentation to them?

Mr. Benjamin - already done. This is your piece of the puzzle. We got started in November when we heard this may be coming. We were all disappointed about casinos, etc., and the gas business. But we have got to pick up the challenge here and build off assets we have. I86. Next biggest is the airport. But we have to have a plan.

Mayor Zeigler - when Schlumberger came here it was evident that they really wanted to be here because of roads - Route 15, Route 13, Route 14, I86. Where else can you find that kind of access. This is the prime area.

Trustee Swartz - I don't think we can put this off. Need to act today.

Trustee Lytle - So its 1/3 from the County, 1/3 from Corning, Inc., 1/3 from municipalities. Are private sectors contributing.

Mr. Benjamin - only private money is Corning, Inc. HOST is doing a good job managing their business. Their making investments there. This is an opportunity for all of us to step to the plate. If the Village part is 13k toward a 175k plan, that is a good return on investment.

Trustee Koliwasky - we're talking \$13.5k of 200k. That's just one small piece. Millions that will hopefully come not only for Horseheads, but for Corning, etc. This is a no brainer. I think that we should vote today.

Atty. Groff - Is there a reason Steuben County is not participating.

Mr. Benjamin - 4 years ago we did an I86 plan for Steuben. Three Rivers was prime consultant. All we are doing is refreshing that plan for them, but developing a new plan for Chemung and other communities.

Atty. Groff - Is there a timing for money piece. Where your hoping to have money in your coffers to spend.

Mr. Benjamin - January 15 and April 1. I have sent you an invoice already actually. I know that was aggressive but we are incurring costs now. We can handle January 15 passing, or we can handle April 1. We cannot wait till the end.

Atty. Groff - the thirds - in terms of towns and villages, how did you arrive at 13.5K.

Mr. Benjamin - it's based on population. We are incurring costs, this front end piece we think will be completed by March 1. Then the RFP for the bigger plan will start around April where we will sign contracts with a second consultant and they will finish the plan.

The Board asked Atty. Groff to offer a resolution:

WHEREAS, Three Rivers Development is acting as sponsor for a private sector and public sector consortium to facilitate the development of design details, and RFPs for economic development of I86 corridor as part of an eight county regional project, and

WHEREAS, this project will entail promotion of a connector road from Route 13 to the HOST facility in the Village of Horseheads, and

WHEREAS, some of the municipal participants in this project are Chemung County, Town of Horseheads, Town of Big Flats, Village of Horseheads, who are all asked to join into the project and also to contribute financially to the development of the project, and

WHEREAS, this Board is supportive of both local and regional economic development for enhancement of quality of life, promotion of job growth, and community and social health and benefits.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby agree to participate in the I86 Planning Project and does further authorize the financial participation in an amount not to exceed \$13,500.00 for development of a project and understands that the target date for plan completion is October 2015, and initial implementation target date of January 2016.

Motion was moved by Trustee Swartz, and seconded by Trustee Koliwasky.

Trustee Lytle - since he has said we missed the January 15 deadline, and Trustee Skroskznik isn't here, I move we table this until the next meeting. It sounds like a great program and a good investment, but I don't see the need to do this today. Didn't have much time to consider this. Doesn't do harm to wait till next meeting.

No body seconded the motion.
Motion dies.

Still have a motion and a second on the floor.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Koliwasky	Aye
Trustee Lytle	Aye

Mr. Benjamin - thank you, I'm very excited about this opportunity to be part of the bigger picture.

Mayor Zeigler - I commend you and your group for organizing this.

Resolution by Trustee Lytle, seconded by Trustee Koliwasky

BE IT RESOLVED, that the Financial Statements for the Village of Horseheads prepared by Rick McNeilly for FY ending 5/31/14 are hereby received, and same shall be placed on file in the Village Clerk's Office.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Koliwasky	Aye
Trustee Lytle	Aye

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

BE IT RESOLVED, that the Financial Statements for the Village Justice Court prepared by Rick McNeilly for FY's ending 5/31/13 and 5/31/14 are hereby received, and same shall be placed on file in the Village Clerk's Office.

Trustee Lytle - what was the unresolved portion that was listed on this.

Village Manager - as the Court goes about business they collect bail money. Some don't come back to claim money. That never gets resolved so it stays on the books. We have the money but we don't know for sure over time who it belongs to. That accumulates. Also some people pay more fine money than they owe. Those payments accumulate too. Kind of like unaccounted funds.

Trustee Lytle - is that typical.

Manager Herbst - yes. It's not a 'finding'. He set up a secondary account for those unallocated funds for each judge. Then 5 years from now they can easily find it.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Koliwasky	Aye
Trustee Lytle	Aye

Newtown Creek Streambank Stabilization Resolutions

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

WHEREAS it is the policy of the Village of Horseheads to encourage seeking grants, to enhance the Village's ability to provide services and activities not otherwise available, and

WHEREAS, Village Manager Herbst became aware of a NYS grant which would, if awarded, provide for the stream bank stabilization of Newtown Creek in the general vicinity of Well #5 of the Village Water System, which would serve to protect the well and related water system infrastructure, and

WHEREAS, Village Manager Herbst previously reported to the Board of Trustees regarding the grant and the need for the Village to provide in-kind services, should the grant be awarded, and received informal approval to proceed with the grant application, and

WHEREAS, pursuant to said approval Village Manager Herbst oversaw the development and submission of an application to NYSDEC for water quality improvement projects grants.

NOW THEREFORE BE IT RESOLVED, that the Village Board of Trustees does hereby ratify and approve of the action of Village Manager Herbst in grant research, application review and analysis and application submission to NYSDEC.

BE IT FURTHER RESOLVED, that this Board does hereby approve the acceptance of said grant and the utilization of in-kind services should the grant be awarded.

BE IT FURTHER RESOLVED, that Manager Herbst shall notify Village Clerk-Treasurer Sharron

Cunningham of any necessary budgetary changes, for amendment of the budget as the case may be.

BE IT FURTHER RESOLVED, that Manager Herbst is authorized to take any and all further steps as are necessary to verify the acceptance of any grant awarded including but not limited to execution of grant agreements, etc.

Trustee Lytle - will we not get grant?

Manager Herbst - we did this with the help of the Stormwater Coalition. Jimmy Jo designed it due to Newtown Creek being eroded. That had to be stabilized. Together we applied for this grant. We have received it. Second part is for us to acknowledge that we received it and we wish to proceed. The Stormwater Coalition is doing the project. The in-kind requirement of 44k, they are meeting that requirement. Budgetary part is that as a municipality we have to receive the money. Sharron has to create a line item for that.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Koliwasky	Aye
Trustee Lytle	Aye

Resolution by Trustee Lytle, seconded by Trustee Swartz

WHEREAS, the Village of Horseheads herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments known as Newtown Creek Streambank Stabilization to Protect Public Water Supply Facility (Water Quality Improvement Contract No. C305275), herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law ("ECL") authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, BE IT RESOLVED BY the Village of Horseheads Board of Trustees:

1. That Walter Herbst, Village Manager, or such person's successor in office, is the representative authorized to act in behalf of the Municipality's governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance.
2. That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation; such funding shall be in the form of in-kind services;
3. That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Koliwasky	Aye
Trustee Lytle	Aye

Request to Harbor Chickens - 913-915 Hulett St.

Trustee Swartz - I was just given information on another State's Dept. of Health concerns on infectious diseases regarding poultry. I would like to review this. I move we table this to next meeting.

Trustee Koliwasky - second.

Trustee Lytle - this is a much better one than the one we approved over a year ago on Pine St. It's not for year round chickens. Well thought out - only in winter time. Won't be free range.

Trustee Swartz - I don't disagree. Just want to read this new info.

Mayor Zeigler - I would like the info from the last two applications. Need to see reasons why, when we make these decisions - it sets up a precedent. Have to be cautious. I'm not saying no.

Manager Herbst - the Board put 5 restrictions on the last application. We really need to look into this more.

Mr. Rawcliffe, 913 Hulett St. - they will be contained, then there is a courtyard around it that is fenced.

Trustee Swartz - have we had any problems on Pine St.

Bob Young - only one - one got loose months ago. They found it. Haven't heard anything else.

Roll Call Vote on Tabling the Request:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Koliwasky	Aye
Trustee Lytle	Aye

Resolution by Trustee Koliwasky, seconded by Trustee Swartz

BE IT RESOLVED, that the Justice Reports for December 2014 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Mayor Zeigler	Aye
Trustee Swartz	Aye
Trustee Koliwasky	Aye
Trustee Lytle	Aye

As there were no comments from the Board or staff, and nothing further to come before the Board, the meeting was adjourned at 9:34 A.M.

/rmb